

APPLICANT(S): GILL, Yoram
SERIAL NO.: 09/989,334
FILED: November 20, 2001
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REMARKS

The present response is intended to be fully responsive to all points of objection and/or rejection raised by the Examiner and is believed to place the application in condition for allowance. Favorable reconsideration and allowance of the application is respectfully requested.

Applicants assert that the present invention is new, non-obvious and useful. Prompt consideration and allowance of the claims is respectfully requested.

Status of Claims

Claims 1-4, 8-16, 18-20 and 22-29 are pending in the application.

Claims 1-4, 8-12, 20 and 24-29 have been withdrawn from consideration.

Claims 13-16, 18, 19, 22 and 23 have been rejected.

Claims 13-16, 18, 19, 22 and 23 have been amended in this submission. Applicants respectfully assert that the amendments to the claims add no new matter.

Claim Objections

In the Office Action, the Examiner objected to claim 18 because of alleged informalities. Claim 18 has been amended in order to cure these informalities. Accordingly, Applicant requests withdrawal of the objection.

CLAIM REJECTIONS

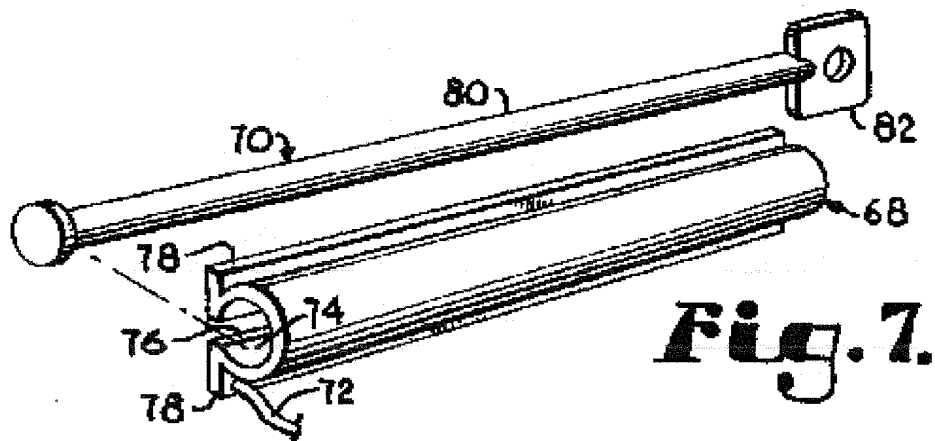
35 U.S.C. § 112 Rejections

In the Office Action, the Examiner rejected claims 13-16, 18, 19, 22 and 23 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claims have been amended to obviate the rejection.

35 U.S.C. § 102 Rejections

In the Office Action, the Examiner rejected claims 13-15, 18 and 19 under 35 U.S.C. § 102(b), as being anticipated by Dikeman (US Patent No. 5,913,456). Applicants respectfully traverse the rejection.

Dikeman's Fig. 7, reproduced below, depicts rod 70 and channel 80.



First, the rod disclosed by Dikeman is not attached to the container, as recited in claim 13. The rod is free relative to the container, and pointed out by the Examiner, it is pinched into place only when the container is sealed. Applicants respectfully disagree, and in any event, have amended claim 13 to clarify that the rod is "fixedly attached to the container." Thus, Dikeman does not disclose a rod fixedly attached to the container.

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In addition, the specification of the Dikeman reference discloses a closure for the container as follows:

The closure assembly preferably includes a channel element and a rod element between which the container is pinched in the sealed position of the closure assembly. The channel element presents an elongated channel having a first width and a coextensive opening having a width smaller than the first width. The rod element presents an elongated body having a width larger than about the width of the opening so that the closure assembly is placed in the sealed position by positioning the container between the channel element and the rod element and forcing the body of the rod element and the material of the container past the opening into the channel along the length of the channel. As such, a liquid-tight seal is provided between the cavity and mouth of the container, permitting the container to be oriented in any desired direction without leaking through the mouth. (col .2 lines 32-47, emphasis added)

The arrangement of Dikeman does not disclose "wherein said sealer is slidingly mountable over said rod" as recited in claim 13. Indeed, it is impossible to slidingly mount the channel of Dikeman over the rod, because the rod has protrusions at both ends. Therefore, not only does Dikeman not disclose a sealer that is "slidingly mountable" over the rod, but Dikeman in fact teaches away from this arrangement. The system having a slidingly mountable sealer over a fixedly attached rod, therefore, is novel and not obvious in view of the cited art.

Therefore, claim 13, and claims 14, 15, 18, 19, 22 and 23, depending therefrom, are allowable over Dikeman.

35 U.S.C. § 103 Rejections

In the Office Action, the Examiner rejected claim 16 under 35 U.S.C. § 103(a), as being unpatentable over Dikeman (US Patent No. 5,913,456) in view of Senanayake (WO 92/16424). However, the arrangement of Senanayake also does not disclose "wherein said sealer is slidingly mountable over said rod" as recited in claim 13. Therefore, even Dikeman and Senanayake taken together do not disclose every element of claim 16, which depends from claim 13.

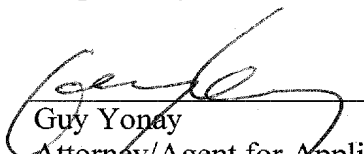
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In view of the foregoing amendments and remarks, the pending claims are deemed to be allowable. Their favorable reconsideration and allowance is respectfully requested.

Should the Examiner have any question or comment as to the form, content or entry of this Amendment, the Examiner is requested to contact the undersigned at the telephone number below. Similarly, if there are any further issues yet to be resolved to advance the prosecution of this application to issue, the Examiner is requested to telephone the undersigned counsel.

Please charge any fees associated with this paper to deposit account No. 50-3355.

Respectfully submitted,


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